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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,055	10/04/2004	Scott Allan Kendall	PU020098	6272

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EXAMINER

CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,055	Applicant(s) KENDALL, SCOTT ALLAN	
	Examiner Nigar Chowdhury	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 08/16/2007 have been fully considered but they are not persuasive.

1. In re page 8, applicant argues that Vallone discloses uses different signals to invoke different operations as opposed to different characteristics of the same signal but Vallone fails to disclose "any functionality in which the duration of a received control signal allows the selection or invocation of one function over another function"

In response, the examiner respectfully disagrees. The specification is not the measure of invention. Therefore, limitations contained therein cannot be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743,386 F.2d 924, 155 USPQ 687 (1968).

2. In re page 8, applicant also argues that Vallone fails to disclose "means to invoke one of a replay function and a reverse function upon receipt of a first signal, in response to a duration of the first signal, and means to invoke one of a skip function and a forward function upon receipt of a second signal different from the first signal, in response to a duration of the second signal" as recited in claim 1.

In response, the examiner respectfully disagrees. Vallone discloses from col. 7 lines 10-16 that "The parser....all of the pieces.....needs to know playback and perform special effects on the stream, e.g. fast forward, reverse, play, pause, fast/slow play, indexing, and fast/slow reverse play" and col. 10 lines 4-19 that "The remote

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control may also have a fast forward key. When the fast forward key is pressed, the control...sends an event to the transform...that tells it to move forward two seconds.....". The limitation "one of a replay function and reverse functions" which implies multipurpose remote control has either replay or reverse functions. The limitation "one of a skip function and forward functions" which implies multipurpose remote control has either skip or forward functions. And also limitation "different from the first control signal, in response to a duration of the second signal" implies function of skip-forward and replay-reverse are different of each other. Examiner agrees with this limitation because different control key has different signal. When user presses any control key, remote control generates a signal. Different control key has different duration to recognize the specific signal of specific control key for operating properly. Therefore, remote control meets the limitation of replay-reverse and skip-forward recited in claim 1.

3. In re page 8, applicant argues that "Vallone does not anticipate claim 1 and the claims dependent directly and indirectly therefrom"

In response, the examiner respectfully disagrees. Claim 1 is rejected (see paragraph 1-2 above) and claims dependent directly and indirectly therefrom.

4. In re page 8, applicant argues that Vallone does not disclose the limitation of claim 22

In response, the examiner respectfully disagrees. Claim 22 is rejected for the same reason as discussed in the paragraph 1-2.

5. In re page 8, applicant argues that "Vallone does not anticipate claim 22 and the claims either dependent directly and indirectly therefrom"

In response, the examiner respectfully disagrees. Claim 22 is rejected (see paragraph 1-2 above) and claims dependent directly and indirectly therefrom.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,847,778 by Vallone et al. as set forth in last office action

8. In **claim 1**, a video playback apparatus (Col. 7 line 10-16) having means to invoke one of a replay function and reverse functions upon receipt of a first signal, in response to a duration of the first signal, and means to invoke one of a skip function and a forward function upon receipt of a second signal different from the first signal, in response to a duration of the second signal (Fig. 9, Col. 10 line 4-19).

9. In **claim 2**, the video playback apparatus wherein the replay function is invoked upon receipt of the first signal exhibiting duration of time below a first replay-reverse predetermined threshold, and the reverse function with a first reverse speed is invoked upon receipt of the first signal exhibiting duration of time above the first replay-reverse predetermined threshold, and wherein the skip function is invoked upon receipt of the second signal exhibiting duration of time below a first skip-forward predetermined threshold and a first forward function with a first forward speed is invoked upon receipt of the second signal exhibiting duration of time above the first skip-forward predetermined threshold (Fig. 9, Col. 10 line 4-19, Col. 18 line 65-68, Col.20 line 32-47. According to the reference, duration can change by user. User will select the speed for reply or forward).

10. According to **claim 3**, the video playback apparatus wherein the first skip-forward predetermined threshold is one second and the first replay-reverse predetermined threshold is one second (User can select the duration what they want. Col. 18 line 65-67).

11. Regarding **claim 4**, the video playback apparatus wherein the reverse function has the first reverse speed and a second reverse speed faster than the first reverse speed, and upon receipt of the first signal exhibiting duration of time greater than the first replay-reverse predetermined threshold, the first reverse speed is invoked, and upon receipt of the first signal exhibiting duration greater than a second replay-reverse

predetermined threshold, the second reverse speed is invoked (User can select the speed e.g. x, 2x, 3x etc. Here 2x is greater than the x and 3x is greater than 2x, x. Col. 18 line 65-67, Col. 10 line 17-19).

12. Forward **claim 5** is rejected for the same reason as discussed in the corresponding reverse claim 4 above (Col. 10 line 17-19).

13. In **claim 6**, the video playback apparatus wherein upon receipt of the second signal exhibiting duration greater than a next greater skip-forward predetermined threshold, the next faster forward speed is invoked, up to the highest available forward speed (Col. 20 line 40-47).

14. In **claim 7**, the video playback apparatus of claim 5 wherein the second forward predetermined threshold is at least one second greater than the first forward predetermined threshold (User can select the duration. Col. 18 line 65-67).

15. Reverse **claim 8** is rejected for the same reason as discussed in the corresponding forward claim 6 above.

16. **Claim 9** is rejected for the same reason as discussed in corresponding claim 7 above.

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17. According to **claim 10**, the video playback apparatus of claim 1 having 2x, 4x, 8x, and 16x forward speeds and -2x, -4x, -8x, and -16x reverse speeds (Col. 18 line 60-67).

18. In **claim 11**, the video playback apparatus wherein duration of a remote control signal selected from the first signal and the second signal is calculated based on number of repetitions of code signal included in the remote control signal received, each repetition separated by a predetermined gap (User can change the duration by pressing the key button between 1-10 seconds).

19. In **claim 12**, the video playback apparatus of claim 11 wherein the predetermined gap is between 1 and 10 milliseconds (User can change the duration by pressing the key button between 1-10 seconds).

20. In **claim 13**, the video playback apparatus wherein an end of a remote control signal is calculated upon a gap between repetitions of receipt of a code signal of greater than 20 milliseconds in the remote control signal (User can change the duration by pressing the key button between 1-10 seconds).

21. According to **claim 14**, the video playback apparatus having one or more functionalities in addition to video playback, the functionalities selected from DSL, integrated receiver-decoder, WinTV, and personal computer (Col. 3 line 55, 56).

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22. In **claim 15**, a remote control device for using with a video playback apparatus having a replay-reverse multipurpose key and a skip-forward multipurpose key for generating the first signal and second signal, respectively, when activated (Col. 10 line 4-19).

23. In **claim 16**, the remote control device having means to send the first signal when the replay-reverse multipurpose key is pressed and the second signal when the skip-forward multipurpose key is pressed (Col. 10 line 4-19).

24. **Claim 17** is rejected for the same reason as discussed in corresponding claim 11 above.

25. **Claim 18** is rejected for the same reason as discussed in corresponding claim 12 above.

26. **Claim 19** is rejected for the same reason as discussed in corresponding claim 12 above.

27. In **claim 20**, a system comprising a video playback apparatus and a remote control device having a replay-reverse multipurpose key for generating the first signal and a skip-forward multipurpose key for generating the second signal (Col. 10 line 4-19).

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28. In **claim 21**, a method of controlling the operation of a digital video playback apparatus, the method comprising the steps of (User can select any duration they want for skip/forward or reply/reverse. Col. 18 line 55-67):

- Invoking a skip function upon receipt of a second signal exhibiting less than a first predetermined duration, invoking a forward function exhibiting a first forward speed upon receipt of the second signal exhibiting greater than the first predetermined duration, invoking the forward function exhibiting a second, faster forward speed upon receipt of either the second signal exhibiting greater than a second predetermined duration or upon receipt of a second occurrence of the second signal
- Invoking a replay function upon receipt of a first signal exhibiting less than a first predetermined duration, invoking a reverse function exhibiting a first reverse speed upon receipt of the first signal exhibiting greater than the first predetermined duration, invoking the reverse function exhibiting a second, faster reverse speed upon receipt of either the first signal exhibiting greater than a second predetermined duration or upon receipt of a second occurrence of the first signal.

29. In **claim 22**, a electronic playback apparatus (Col. 7 line 10-16) capable of receiving an external speed control signal for controlling playback speed, the electronic playback apparatus comprising:

- A receiver for receiving the external speed control signal (Col. 13 line 39-53)
- A microprocessor for varying the playback speed according to duration of the external speed control signal (Col. 4 line 33-40, Col. 6 line 54-63).

30. Regarding **claim 23**, the electronic playback apparatus wherein the playback speed is forward speed (Col. 7 line 7-16).

31. In **claim 24**, the electronic playback apparatus wherein the playback speed is reverse speed (Col. 7 line 7-16).

32. According to **claim 25**, the electronic playback apparatus wherein the external speed control signal is a signal generated by holding down a key for a skip-forward function (Fig. 14, Col. 20 line 32-47).

33. In **claim 26**, the electronic playback apparatus of claim 22, wherein the external speed control signal is a signal generated by holding down a key for a play function (Fig. 14, Col. 20 line 32-47).

34. In **claim 27**, the electronic playback apparatus of claim 22, wherein the external speed control signal is a signal generated by holding down a key for a replay-reverse function (Fig. 14, Col. 20 line 32-47).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

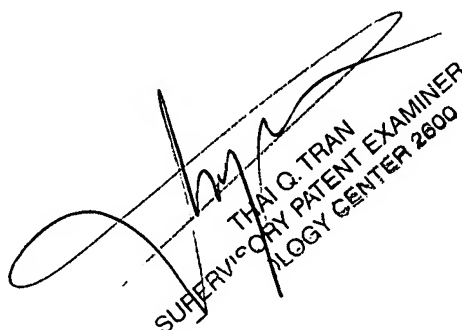
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC

10/25/2007



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